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FAX COVER SHEET

Date: 12/19/2006

TO: Examiner Dunwoody **FAX:** 571-273-8300

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Number of pages including cover sheet: 6

SERIAL NO.: 10/723,126
DOCKET NO.: C02-085A
FILED: NOVEMBER 25, 2003
TITLE: HYDRAULIC HOSE FITTING AND METHOD

RESPONSE TO: COMMUNICATION MAILED OCTOBER 20, 2006

ATTACHMENTS INCLUDE: PETITION UNDER 37 CFR 1.181(a)
- 3 PAGES

DECLARATION UNDER 37 CFR 1.8(b)(3)
- 2 PAGES

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I hereby certify that this correspondence is
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(571)273-8300, Commissioner
of Patents, Alexandria VA 22313-1450 on

December 19, 2006
For: The Gates Corporation,
Signature *[Signature]*
Date signed: *December 19, 2006*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Donald R. Gilbreath)	
)	Examiner: Dunwoody, Aaron M.
)	
Serial No.: 10/723,126)	
)	Group Art Unit: 3679
Docket No.: C02-085A)	
)	
For: HYDRAULIC HOSE FITTING)	
AND METHOD)	Date: December 19, 2006

Via Fax: (571)273-8300
The Honorable Commissioner for Patents
Group Art Unit 3679
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(a)

Applicant hereby petitions under 37 CFR 1.181(a) to request withdrawal of the holding of abandonment in the above-identified application. A Notice of Abandonment was issued in this case on October 20, 2006 for failure to respond to the Office Action of April 4, 2006. However, on October 4, 2006 Applicant filed, via facsimile transmission and accompanied by a certificate of transmission, 1) a Request for Continued Examination, 2) a petition for a three-month extension of time, and 3) and an Amendment and Restriction Election. The Office's PAIR system Transaction History for this application shows "Workflow - Request for RCE - Begin" dated October 4, 2006. Additionally, the PAIR system shows copies of the following documents in this application, with a mailroom date of October 4, 2006: 1) Miscellaneous Incoming Letter (Applicant's fax cover sheet); 2) Extension of Time; 3) Request for Continued Examination (RCE); 4) Applicant Arguments/Remarks Made in an Amendment; 5) Claims

(amended); 6) Specification (amendments); and 7) Amendment After Final (First sheet of Applicant's Amendment and Restriction Election).

Furthermore, Applicant's deposit account, account number 07-0475, was debited for the RCE fee and Extension fee. This debit posted on October 16 2006.

Additionally, on or about October 6, 2006 the Examiner in this case called the below signing Applicant's counsel inquiring as to whether a response had been filed in this application. Applicant's counsel reported to the Examiner that the RCE and Amendment discussed above had been filed on October 4th. Upon receipt of the Notice of Abandonment dated October 20, 2006, the below signing Applicant's counsel called the Examiner and notified him again of the RCE having been filed. The Examiner advised that it might take some time for the RCE to work its way through the system and that the holding of abandonment should eventually be removed. Having waited what Applicant's counsel considers a reasonable time, Applicant has submitted this Petition.

Pursuant to 37 CFR 1.8(b)(3) Applicant also submits the accompanying Declaration of Sonja L. Faller, which states she, as signatory of certificates of transmission on the aforementioned RCE and Amendment and Restriction Election, attests to the transmission of the RCE, Amendment and Restriction Election, and Petition for Extension of Time shown on the PAIR system on October 4, 2006. Given the presence of the documents on the PAIR system, Applicant is not submitting an additional copy of the previously transmitted correspondence and certificates pursuant to 37CFR 1.8(b)(2) to avoid possible confusion. Finally, Applicant's counsel's call to the Examiner, or this Petition itself, should serve as notice to the Office of the previous transmission of the correspondence, pursuant to 37 CFR 1.8(b)(1), if required.

The below signing Applicant's counsel hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

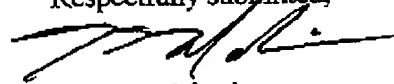
In light of the foregoing, Applicant respectfully solicits removal of the holding of abandonment in this case. No fee is required with this Petition. However, if an additional fee is due, please charge Deposit Account No. 07-0475, from which the undersigned is authorized to draw.

Applicant respectfully requests that the Office call the below listed attorney if the attorney can help in resolving any remaining issues, can be of assistance in entering or making a determination on this Petition, or can otherwise be helpful in expediting prosecution of the present application.

Date: December 19, 2006

JLM
Denver, Colorado

Respectfully submitted,



Jerry L. Mahurin
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